

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES MAYFIELD,

Plaintiff,

v.

Case No. 13-10341
Honorable Linda V. Parker

RICHARD MILES, ET AL.,

Defendants.

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**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE'S
SEPTEMBER 3, 2014 REPORT AND RECOMMENDATION [ECF NO. 76]
AND (2) DENYING PLAINTIFF'S MOTION FOR TEMPORARY
RESTRAINING ORDER [ECF NO. 52]**

On January 29, 2013, Plaintiff Charles Mayfield commenced this civil rights action against several defendants, including Dr. Richard Miles (“Dr. Miles”), alleging a violation of his rights under the Eighth Amendment. On February 6, 2014, Plaintiff filed an amended complaint against the only defendant remaining at that time, Dr. Miles; and on April 14, 2014, Plaintiff filed a motion for temporary restraining order. This matter has been referred for all pretrial matters to Magistrate Judge Michael Hluchaniuk.

On September 3, 2014, Magistrate Judge Hluchaniuk issued a Report and Recommendation (R&R) in which he recommends that this Court deny Plaintiff's

motion for temporary restraining order. (ECF No. 76.) Based on the evidence submitted by the parties, Magistrate Judge Hluchaniuk concludes that Plaintiff is not likely to succeed in establishing a violation of his Eighth Amendment rights. (*Id.* at 10-13.) Specifically, the magistrate judge concludes that neither Dr. Miles nor medical staff at the prison where Plaintiff is now incarcerated have been deliberately indifferent to Plaintiff's medical needs. (*Id.*) Magistrate Judge Hluchaniuk addresses the additional factors relevant to deciding whether a preliminary injunction should issue and finds that those factors also do not warrant the issuance of an injunction. (*Id.* at 13-14.)

At the conclusion of his R&R, Magistrate Judge Hluchaniuk informs the parties that they must file any objections to the R&R within fourteen days. (*Id.* at 15-16.) He further advises that the "[f]ailure to file specific objections constitutes a waiver of any further right of appeal." (*Id.*, citations omitted). No objections were filed.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Hluchaniuk. Plaintiff has received medical treatment while incarcerated. He simply disagrees with the doctor's diagnosis and chosen methods of treatment. Thus the Court concurs with Magistrate Judge Hluchaniuk's

finding that Plaintiff is not likely to succeed on his deliberate indifference claim and adopts the September 3, 2014 Report and Recommendation.

Accordingly,

IT IS ORDERED, that Plaintiff's motion for temporary restraining order (ECF No. 52) is **DENIED**.

S/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: November 4, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, November 4, 2014, by electronic and/or U.S. First Class mail.

S/ Richard Loury
Case Manager